

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, JUNE 1, 2004**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Ray Stevens, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier  
Deb Schorr  
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 25, 2004.**

**MOTION:** Heier moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting dated May 25, 2004. Schorr, Workman and Heier voted aye. Hudkins was absent from voting. Stevens abstained from voting. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

**A. The County-City Volunteer of the Month Award was presented to Aging Services Downtown Center.**

(Hudkins entered the hearing room at 1:33 p.m..)

- 3) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 4) **CLAIMS: Approval of all claims processed through Tuesday, June 1, 2004.**

**MOTION:** Schorr moved and Workman seconded approval of all claims processed through June 1, 2004. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

**A. A petition from ten percent of the property owners living in Nealrene Acres and Nealrene Acres First Addition for formation of a Special Paving Improvement District for the paving of Ricky Road, Weeks Drive and Aubree Avenue. The name of the Special Paving Improvement District will be called Nealrene Acres Road Improvement District.**

The Chair opened the public hearing and asked if anyone wished to testify.

The Clerk administered the oath to J. Michael Rierden, appearing on behalf of the property owners seeking the formation of the paving district.

Rierden referred to the petition previously submitted noting that Luann Lane was omitted, but should have been included as one of the streets to be paved. He clarified that all roads within the subdivision should be included in the petition.

In response to a question asked by Stevens regarding the date of the election, Rierden stated it would be up to Dave Shively, Election Commissioner, however, it would likely be a special election.

Heier stated if the district is approved, the residents within the paving district would pay for cost of the paving.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

Kristy Mundt, Deputy County Attorney, stated Dave Shively recommended the special election be held on August 10, 2004.

**MOTION:** Heier moved and Workman seconded to direct the County Attorney's Office to prepare a resolution setting the boundaries of the Special Paving Improvement District called Nealrene Acres Road Improvement District and to set the date for the special election. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

6) **OLD BUSINESS:**

- A. An agreement with Sinclair Hille & Associates, Inc. for architectural services for the renovation of the former Community Blood Bank Building at 2966 O Street for use by the Community Mental Health Center. Sinclair Hille will prepare and provide the necessary working drawings, specifications and other contract documents. Sinclair Hille will also sub-consultant contract with Engineering Technologies Inc (ETI) for mechanical and electrical drawings and specifications. The County will pay a total project fee of \$24,000, which includes \$8,000 for ETI's services. (C-04-0194)

**MOTION:** Hudkins moved and Workman seconded approval of an agreement with Sinclair Hille & Associates, Inc. for architectural services for the renovation of the former Community Blood Bank Building at 2966 O Street for use by the Community Mental Health Center. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

7) **NEW BUSINESS:**

- A. Declaration of an Emergency pursuant to the County Purchasing Act, Neb. Rev. Stat. §23-3109(2) (Reissue 1997), for the purpose of waiving the competitive bidding requirements for the purpose of entering into contracts to remove debris from Lancaster County rights-of-way resulting from tornado and storm damage caused May 22-23, 2004. Informal quotes will be obtained from the Lincoln-Lancaster County Purchasing Department's list of Annual Service Contractors for hauling, and the Lancaster County Board will determine the number of contractors needed.

Kerry Eagan, Chief Administrative Officer, stated the County Board would need to declare an emergency under the Purchasing Act to waive the bidding requirements.

**MOTION:** Heier moved and Schorr seconded approval of declaring an emergency pursuant to the County Purchasing Act, Neb. Rev. Stat. §23-3109(2) (Reissue 1997), for the purpose of waiving the competitive bidding requirements for the purpose of entering into contracts to remove debris from Lancaster County rights-of-way resulting from tornado and storm damage caused May 22-23, 2004. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

Eagan explained Requests for Proposal (RFP) were sent Friday, May 28, 2004 requesting proposals for hauling of debris and brush/vegetative material. He stated the County Board could proceed with awarding the RFP for the hauling of brush to be followed with a contract.

7) **NEW BUSINESS CONTINUED:**

Also appearing were Steve Tillman, Federal Emergency Management Agency (FEMA); Mark Clark, Army Corps of Engineers and Mike Stewart, Army Corps of Engineers.

Kathy Smith, Purchasing Agent, appeared and gave a brief overview of the process used in requesting the RFP's.

Hudkins inquired about disposal of tires and whether it's an eligible expense with FEMA.

Eagan stated they have requested that tires not be placed in the rights-of-way.

Tillman indicated if the tires are a result of a disaster it is an eligible expense.

Hudkins asked if FEMA would enter onto private property for collection of the tires.

Tillman responded they would need right-of-entry before they could collect the tires from private property.

In response to a question asked by Schorr, Smith recommended that the RFP be awarded to Hofeling Enterprises, Inc. for grinding and hauling of brush/vegetative debris and General Excavating for hauling of construction debris.

**MOTION:** Workman moved and Hudkins seconded to award a Request for Proposal to Hofeling Enterprises, Inc. for grinding and hauling of brush/vegetative debris at \$24.50 per ton. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

**B. An application for a Special Designated License from Ken's Liquor Inc. to cater a retirement party on Friday, June 25, 2004 from 5 p.m. to 12 a.m. at the Boy Scout Clubhouse, located at 600 South 120<sup>th</sup> Street, Lancaster County, Nebraska.**

**MOTION:** Heier moved and Hudkins seconded approval of an application for a Special Designated License from Ken's Liquor Inc. to cater a retirement party on Friday, June 25, 2004 from 5 p.m. to 12 a.m. at the Boy Scout Clubhouse, located at 600 South 120<sup>th</sup> Street, Lancaster County, Nebraska. Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

**C. An application for a Special Designated License from Barry Good Inc. to cater a private party for Cedars Youth Services on Thursday, June 17, 2004 from 4 p.m. to 10 p.m. at the Dick and Kathy Campbell residence located at 6201 Pine Lake Road, Lincoln, Lancaster County, Nebraska.**

**MOTION:** Heier moved and Hudkins seconded approval of an application for a Special Designated License from Barry Good Inc. to cater a private party for Cedars Youth Services on Thursday, June 17, 2004 from 4 p.m. to 10 p.m. at the Dick and Kathy Campbell residence located at 6201 Pine Lake Road, Lincoln, Lancaster County, Nebraska.

Appearing was Lou Mary Webb, applicant.

Schorr asked if the event was a fund raiser.

Webb stated she thought it was, however, it would be a very small gathering.

**ROLL CALL:** Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

**D. An agreement between Lancaster County and Great Plains Appraisal Company, on behalf of Wayne Kubert, to provide the services of a referee coordinator to coordinate referees who will hear all property tax protests for the 2004 tax year which are before the Lancaster County Board of Equalization. The coordinator is also responsible for ensuring that all papers related to such protests along with written findings and recommendations are made available to the Board. The referee coordinator shall be reimbursed at a rate of \$680 per working day up to \$96,000. (C-04-0232)**

**MOTION:** Workman moved and Schorr seconded approval of an agreement between Lancaster County and Great Plains Appraisal Company, on behalf of Wayne Kubert, to provide the services of a referee coordinator to coordinate referees who will hear all property tax protests for the 2004 tax year which are before the Lancaster County Board of Equalization. Heier, Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

- E. **An amendment to a grant contract with the Rape/Spouse Abuse Crisis Center, under County Contract No. C-03-0462, for the oversight and management of two full-time advocates who supply enhanced 24 hour advocacy to victims in person or by phone. The parties wish to extend the term of the grant and increase the amount of the grant contract from \$59,569 to \$64,885, based upon a reallocation of federal funds. (C-04-0233)**

**MOTION:** Schorr moved and Hudkins seconded approval of an amendment to a grant contract with the Rape/Spouse Abuse Crisis Center, under County Contract No. C-03-0462, for the oversight and management of two full-time advocates who supply enhanced 24 hour advocacy to victims in person or by phone. Workman, Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

- F. **An amendment to a grant contract with the City of Lincoln under County Contract No. C-04-0100 to provide funding for the Lincoln Police Department's Domestic Violence Specialist position. The City will be unable to expend the entire amount it was allocated, and as a result, the parties wish to amend the amount of the grant contract from \$35,000 to \$21,474. The parties also wish to extend the contract period from May 31, 2004 to June 30, 2004. (C-04-0234)**

**MOTION:** Hudkins moved and Workman seconded approval of an amendment to a grant contract with the City of Lincoln under County Contract No. C-04-0100 to provide funding for the Lincoln Police Department's Domestic Violence Specialist position. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

- G. **A lease agreement between Lancaster County, on behalf of Families First and Foremost, and Cedars Youth services for the lease of approximately 1,090 square feet in the Northbridge Building located at 1533 North 27<sup>th</sup> Street, Lincoln, Nebraska. Term of the lease is July 1, 2004 through June 30, 2005. The county will pay \$730 per month for lease of the premises. (C-04-0235)**

**MOTION:** Schorr moved and Heier seconded approval of a lease agreement between Lancaster County, on behalf of Families First and Foremost, and Cedars Youth services for the lease of approximately 1,090 square feet in the Northbridge Building located at 1533 North 27<sup>th</sup> Street, Lincoln, Nebraska. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

**H. An amendment to an agreement with the law firm of Polsky, Shiffermiller & Coe, under County Contract No. C-04-0002 for legal representation to indigent parties in proceedings in the Juvenile Court of Lancaster County. The Contractor has changed the name of her law firm to Shiffermiller Law Office and Anthony Coe will no longer be providing legal representation. As a result the parties wish to amend the agreement to reflect such changes. (C-04-0236)**

**MOTION:** Hudkins moved and Heier seconded approval of an amendment to an agreement with the law firm of Polsky, Shiffermiller & Coe, under County Contract No. C-04-0002 for legal representation to indigent parties in proceedings in the Juvenile Court of Lancaster County. Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

**I. A resolution authorizing a transfer of appropriations from the General Fund Miscellaneous budget to various General Fund agencies in the amount of \$770,283. (R-04-0052)**

Dave Kroeker, Budget and Fiscal Officer, explained that he was notified that the Sheriff's Office would have a considerable amount of overtime due to the storm on May 22, 2004. He stated the amount would be approximately \$100,000 and added that a considerable portion of that would be reimbursed. Recommendation was to increase the amount from \$770,283 to \$870,283.

**MOTION:** Hudkins moved and Workman seconded approval of Resolution 04-0052 authorizing a transfer of appropriations from the General Fund Miscellaneous budget to various General Fund agencies in the amount of \$870,283. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

**J. A resolution authorizing a transfer of appropriations from the Grants Fund Emergency Management budget to the Grants Fund Adult Drug Court budget in the amount of \$49,000. (R-04-0053)**

**MOTION:** Workman moved and Hudkins seconded approval of Resolution 04-0052 authorizing a transfer of appropriations from the Grants Fund Emergency Management budget to the Grants Fund Adult Drug Court budget in the amount of \$49,000. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

**K. A resolution authorizing temporary occupancy of mobile homes utilized in conjunction with reconstruction of storm damaged residences.  
(R-04-0054)**

**MOTION:** Workman moved and Heier seconded approval of Resolution 04-0054 authorizing temporary occupancy of mobile homes utilized in conjunction with reconstruction of storm damaged residences. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

**L. Recommendation from the Purchasing Agent and the County Engineer to recognize all bids for annual requirements for the production of gravel surface coarse material, limestone rock and gravel for ice control as follows:  
(B-04-0025)**

<b>Rock:</b>	Kerford Limestone Company	\$9.15 per ton
	Martin Marietta Aggregates	\$10.00 per ton
<b>Gravel:</b>	Bluff Gravel Company	\$6.25 per ton
	Lyman Richey Sand & Gravel	\$6.75 per ton
	Concrete Industries d/b/a Western Sand and Gravel	\$6.90 per ton
<b>Ice Control:</b>	Concrete Industries d/b/a Western Sand and Gravel	\$4.15 per ton
	Lyman Richey Sand & Gravel	\$4.25 per ton

**MOTION:** Heier moved and Hudkins seconded approval to recognize all bids for annual requirements for the production of gravel surface coarse material, limestone rock and gravel for ice control as recommended by the Purchasing Agent and the County Engineer. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

**M. Letter of termination regarding the Jail Interlocal with the City of Lincoln.**

**MOTION:** Workman moved and Hudkins seconded approval of a letter of termination regarding the Jail Interlocal with the City of Lincoln.

Stevens stated he was not in favor of sending a letter of termination at the present time.

Discussion took place regarding the letter of termination.

**ROLL CALL:** Workman, Schorr, Heier and Hudkins voted aye. Stevens voted no. Motion carried.

7) **NEW BUSINESS CONTINUED:**

**N. A request from the Ponca Tribe of Nebraska for a refund of real estate taxes for 1999 through 2001.**

Mike Thew, Chief Deputy County Attorney, appeared and indicated his office received a letter from the Ponca Tribe requesting the matter be held.

At the request of the County Attorney's Office, the item was held.

**O. Ratification of Disaster Declaration signed by Lancaster County Commissioner Bob Workman on May 23, 2004.**

**MOTION:** Heier moved and Hudkins seconded approval of the ratification of a disaster declaration signed by Lancaster County Commissioner Bob Workman on May 23, 2004. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

8) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

**A. Receive and Place on File:**

**1. Sheriff's Report of Fees for April, 2004.**

**B. Setting of public hearings for Tuesday, June 15, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:**

1. **County Change of Zone 04023**, from AG Agricultural to AGR Agricultural Residential, requested by Brian D. Carstens and Associates on behalf of Land II, L.L.C., on property generally located at South 68<sup>th</sup> Street and Roca Road in Lancaster County, Nebraska.
2. **County Preliminary Plat 04012, The Preserve at Cross Creek 1<sup>st</sup> Addition**, requested by Brian D. Carstens and Associates on behalf of Land II, L.L.C., for nine residential acreage lots, and associated waiver requests, on property generally located at South 68<sup>th</sup> Street and Roca Road in Lancaster County, Nebraska.

8) **CONSENT ITEMS CONTINUED:**

**C. Setting of a joint City Council/Board of Commissioners public hearing for Tuesday, June 15, 2004, at 4:00 p.m., in the City Council/County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:**

**Comprehensive Plan Amendment No. 02001A**, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to change approximately six acres from Urban Residential to Commercial, generally located at 84<sup>th</sup> Street and Karl Ridge Road.

**Comprehensive Plan Amendment No. 04003**, to include the 2003 Lincoln Public Schools Comprehensive District Master Plan as an approved component of the 2025 Lincoln/Lancaster County Comprehensive Plan.

**Comprehensive Plan Amendment No. 04004**, to update and amend the Trails and Bicycle Facilities Plan map in the 2025 Lincoln/Lancaster County Comprehensive Plan, by removing the proposed trail along Sun Valley Boulevard from north of "P" Street to Charleston Street (located just west of the completed parallel Salt Creek Levee Trail), adding a future trail segment crossing Highway 77 along Pioneers Boulevard, making several revisions to the trails plan, and updating the map to indicate completed projects.

**Comprehensive Plan Amendment No. 04005**, to update and amend the 2025 Lincoln Area Street and Roadway Improvement map and related text in the 2025 Lincoln/Lancaster County Comprehensive Plan, by adding a Highway 2 corridor study from 9<sup>th</sup> Street to the 56<sup>th</sup> and Old Cheney Road intersection, adding an area study in the vicinity of 98<sup>th</sup> Street and Highway 2, and updating the 2025 Street and Roadway Improvement map regarding various completed projects.

**Comprehensive Plan Amendment No. 04006**, to update and amend the Future Road Improvements in County map in the 2025 Lincoln/Lancaster County Comprehensive Plan, by indicating completed paving projects and adding several roads as potential paving projects throughout the county.

**Comprehensive Plan Amendment No. 04009**, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change approximately 124 acres from Agriculture, Green Space and Environmental Resources to Low Density Residential, generally located south of Crooked Creek Golf Course, north of "A" Street, west of 134<sup>th</sup> Street and east of Stevens Creek.

**Comprehensive Plan Amendment No. 04011**, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan and the "Southeast Lincoln/Highway 2 Subarea Plan" to change approximately 10 acres from Urban Residential to Commercial; and to change approximately 60 acres from Low Density Residential to Urban Residential, generally located on the south side of Highway 2, from 75<sup>th</sup> Street to 84<sup>th</sup> Street, north of Amber Hill Road.

8) **CONSENT ITEMS CONTINUED:**

**Comprehensive Plan Amendment No. 04012**, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change approximately 200 acres from Industrial and Community Center commercial to Urban Residential and Neighborhood Center commercial, generally located northeast of North 84<sup>th</sup> Street and Adams Street.

**Comprehensive Plan Amendment No. 04013**, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change approximately 160 acres from Priority B of Tier I to Priority A of Tier I, generally located between N.W. 12<sup>th</sup> Street and N.W. 20<sup>th</sup> Street, from Highway 34 to Alvo Road.

**Comprehensive Plan Amendment No. 04015**, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change approximately 760 acres from Priority B of Tier I to Priority A of Tier I, generally located east of South 70<sup>th</sup> Street along Yankee Hill Road.

**Comprehensive Plan Amendment No. 04016**, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to identify a "Northwest Tier Study" of land in Tier III of Urban Growth Tiers, generally located from N.W. 27<sup>th</sup> Street, north of Highway 34 to West "O" Street, west of N.W. 56<sup>th</sup> Street.

**Comprehensive Plan Amendment No. 04018**, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan by amending the "Southeast Lincoln/Highway 2 Subarea Plan" to show both a temporary and permanent access to Cheney from 91<sup>st</sup> Street south of Highway 2, and the closing of Yankee Hill Road west of 91<sup>st</sup> Street.

**Comprehensive Plan Amendment No. 04019**, to amend the Lincoln/Lancaster County Comprehensive Plan to add text and a map on Capitol View Corridors; and to add text on Urban Design, public art and the Urban Design Committee.

**D. Requests from the following to voluntarily participate in the County's retirement plan having met the requirements:**

**David K. McCune**, an employee with Lancaster County Community Corrections  
**Scott Eisenmann**, an employee with Lancaster County Corrections  
**LaTosha Mack**, an employee with Lancaster Manor

**E. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and William H. and Cheryl Landon, in the total amount of \$2,589, located 1/4 mile north of the intersection of 162nd Street and Raymond Road; Project No C55-A-401(5). (C-04-0237 & C-04-0238) (2 contracts)**

**MOTION:** Heier moved and Hudkins seconded approval of the Consent Items. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

9) **ADJOURNMENT:**

**MOTION:** Schorr moved and Heier seconded adjournment of the Board of Commissioners meeting at 2:38 p.m.. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, JUNE 1, 2004  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners Present: Ray Stevens, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier  
Deb Schorr  
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:38 p.m..

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 25, 2004.

**MOTION:** Workman moved and Heier seconded approval of the minutes of the Board of Equalization dated May 25, 2003. Schorr, Hudkins, Workman and Heier voted aye. Stevens abstained from voting. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

**Approval of 30 additions and deductions to the tax assessment rolls per Exhibit "A".**

**MOTION:** Heier moved and Schorr seconded approval of 30 additions and deductions to the tax assessment rolls. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Catholic Bishop of Lincoln, Inc.  
Christian Church (Disciples of Christ) in Nebraska  
First Evangelical Covenant Church  
Sacred Heart Church

**MOTION:** Heier moved and Hudkins seconded approval of the motor vehicle tax exemptions. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

5) **ADJOURNMENT:**

**MOTION:** Schorr moved and Hudkins seconded adjournment of the Board of Equalization meeting at 2:40 p.m.. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

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Bruce Medcalf  
County Clerk